

APPEALS PANEL

Minutes of meeting held in Committee Room 5, Council Offices, Almada Street, Hamilton on 25 October 2011

Chair:

Councillor Hugh Dunsmuir

Councillors Present

Alex Allison, David Baillie, Jim McGuigan, Brian McKenna, Sheena Wardhaugh

Attending:

Finance and Corporate Resources

S Brown, Personnel Adviser; J Doyle, Personnel Officer; S McLeod, Administration Officer

1 Declaration of Interests

No interests were declared.

2 Exclusion of Press and Public

The Panel decided:

that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the next item of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraph 1 of Part I of Schedule 7A of the Act.

3 Appeals Against Dismissal

The Chair advised that appeal (Ref 10/11) had been withdrawn prior to the meeting. The Panel proceeded to consider an appeal (Ref 11/11) by a former employee against his dismissal.

The appellant was present and represented himself. The Council was represented by the Personnel Adviser of the appellant's former Resource. The Council called witnesses. All parties were heard in relation to the appeal and then withdrew from the meeting.

Councillor Dunsmuir, seconded by Councillor S Wardhaugh, moved that the grounds of the appeal had not been substantiated and the appeal be not upheld. Councillor B McKenna, seconded by Councillor Baillie, moved as an amendment that the appeal had been substantiated in part and the appeal be upheld to the extent that dismissal be replaced with a final written warning. On a vote being taken by a show of hands, 3 members voted for the motion and 3 for the amendment. On the casting vote of the Chair, the motion was declared carried.

The Panel decided:

- (1) that, in relation to appeal Ref 10/11, it be noted that the appeal had been withdrawn; and
- (2) that, in relation to appeal Ref 11/11, the grounds of the appeal had not been substantiated and the appeal be not upheld.

4 Urgent Business

There were no items of urgent business.